

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HELEN MEIMARIS, AS EXECUTRIX AND
LEGAL REPRESENTATIVE OF THE ESTATE
OF ALKIVIADES MEIMARIS, and HELEN
MEIMARIS,

Plaintiffs,

vs.

JOSEPH E. ROYCE, LAWRENCE A. BLATTE,
TULIO PRIETO, JAIME LEROUX, TBS
Shipping Services Inc., Guardian Navigation,
Services Inc., Gruposedei and Technisea,

Defendants.

18-cv-4363 (GBD)(BCM)

**SECOND AFFIRMATION OF
MARK D. KOTWICK IN
FURTHER SUPPORT OF MOTION
TO DISMISS THIRD AMENDED
COMPLAINT AND FOR STAY OF
DISCOVERY**

I, MARK D. KOTWICK, an attorney duly admitted to practice before this Court,
hereby affirm under penalty of perjury that the following is true and correct:

1. I am a partner of the law firm of Seward & Kissel LLP, attorneys of record
for Defendant TBS Shipping Services Inc., n/k/a Defendant Guardian Navigation Services Inc.
(collectively, the "Company Defendants") in the above-captioned action.

2. I am fully familiar with the facts set forth herein, and make this Second
Affirmation in Further Support of Motion to Dismiss Third Amended Complaint and for Stay of
Discovery of the Company Defendants.

3. Attached as Exhibit 5 hereto is a true and accurate copy of the complete
docket report from PACER for the matter *In re TBS Shipping Services Inc., et al.*, Case No. 12-
22224 (S.D.N.Y. Bankr.).

4. Wherefore, it is respectfully requested that, for the reasons set forth in the
Memorandum of Law in Support of Motion to Dismiss Third Amended Complaint and for a Stay

of Discovery by Defendants TBS Shipping Services Inc. and Guardian Navigation Services Inc. [ECF Doc. No. 76] and the accompanying Reply Memorandum of Law, the Company Defendants' motion be granted in its entirety.

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Mark D. Kotwick", is written over a horizontal line.

Mark D. Kotwick

Dated: October 29, 2018

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